

## **Exhibit 10**

Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No. 3:12-cv-04947-MAS-LHG  
----- -x  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,  
an unincorporated association, NATIONAL  
BASKETBALL ASSOCIATION, a joint venture,  
NATIONAL FOOTBALL LEAGUE, an unincorporated  
association, NATIONAL HOCKEY LEAGUE, an  
unincorporated association, and OFFICE  
OF THE COMMISSIONER OF BASEBALL, an  
unincorporated association doing business  
as MAJOR LEAGUE BASEBALL,

Plaintiffs,

-against-

CHRISTOPHER J. CHRISTIE, Governor of the  
State of New Jersey, DAVID L. REBUCK,  
Director of the New Jersey Division of  
Gaming Enforcement and Assistant Attorney  
General of the State of New Jersey, and  
FRANK ZANZUCKI, Executive Director of  
the New Jersey Racing Commission,

Defendants.  
----- -x

November 19, 2012

1:26 p.m.

Deposition of DANIEL T. MULLIN,  
taken by attorneys for Defendants, pursuant to  
Rule 30(b)(6) notice, held at the offices of  
Gibson Dunn & Crutcher, 200 Park Avenue, New  
York, New York, before Helen Mitchell, a  
Shorthand Reporter and Notary Public.

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1  
2 DANIEL T. MULLIN,  
3 having been first duly sworn by the Notary  
4 Public (Helen Mitchell), was examined and  
5 testified as follows:  
6 EXAMINATION BY  
7 BY MR. HOFFMAN:  
8 Q Good morning, Mr. Mullin, or  
9 afternoon, as the case may be for you.  
10 My name is Matt Hoffman, and I  
11 represent the defendants in this action.  
12 Can I get your full name for the  
13 record, please?  
14 A Daniel T. Mullin, M-u-l-l-i-n.  
15 Q Mr. Mullin, you work for Major  
16 League Baseball; is that correct?  
17 A Yes.  
18 Q Can you tell me what your current  
19 position is at Major League Baseball?  
20 A I'm a senior vice president in  
21 charge of the Department of Investigations.  
22 Q And what are your job  
23 responsibilities as senior vice president and  
24 the head of the Department of Investigations?  
25 A Well, broadly speaking, to protect

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1  
2 A P P E A R A N C E S :

3  
4 SKADDEN, ARPS, SLATE, MEAGHER  
5 & FLOM LLP & AFFILIATES  
Attorneys for Plaintiffs  
6 4 Times Square  
New York, New York 10036  
BY: KAREN LENT, ESQ.

7  
8  
9 GIBSON DUNN & CRUTCHER  
Attorneys for Defendants  
10 333 South Grand Avenue  
Los Angeles, California 90071-3197  
11 BY: MATTHEW HOFFMAN, ESQ.  
(via videoconference)

12  
13  
14 ALSO PRESENT:

15 THOMAS J. OSTERTAG, MLB  
16  
17  
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2 the integrity of the game, and we do everything  
3 from investigations involving performance  
4 enhancing drugs, corruption, gambling, we do  
5 corporate due diligence, we do age and identity  
6 fraud in Latin America, we do internal issues  
7 involving players. Pretty broad -- anything you  
8 could think of that requires investigative  
9 resources, we supply those for Baseball.  
10 Q And how long have you been in your  
11 current role?  
12 A I've been at Baseball for nine  
13 years, my current role for four.  
14 Q And my understanding from  
15 Mr. Ostertag's deposition is that the Department  
16 of Investigations has actually only existed for  
17 four years; is that correct?  
18 A That's correct. There was a  
19 security department, and after the Mitchell  
20 report, Senator Mitchell recommended that we  
21 create a stand-alone Department of  
22 Investigations, so I was chosen to stand that up  
23 and head it.  
24 Q So you were the very first head of  
25 the Department of Investigations at Major League

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2 Baseball?

3 A Correct.

4 Q And you mentioned that the  
5 Department of Investigations was created  
6 following a recommendation by George -- in the  
7 George Mitchell report; is that correct?

8 A Yes.

9 Q Do you recall why George Mitchell  
10 recommended the creation of the Department of  
11 Investigations?

12 A Well, among the reasons for the  
13 recommendation were he thought there might have  
14 been conflicts of interest with other existing  
15 departments. The security department had some  
16 responsibility for player protection at large  
17 events, and he thought there might be a conflict  
18 between trying to protect the players, their  
19 physical security, and then investigating them,  
20 and I think he also looked at our labor  
21 relations department and realized that they had  
22 a responsibility to be receptive to the players  
23 union because of collective bargaining, so  
24 they -- he recommended a stand-alone department  
25 that reports to the president so that it

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2 responsibilities at the Department of  
3 Investigations has to do with gambling.

4 Can you describe a little bit more  
5 what your job entails in terms of gambling?

6 A Well, since the Black Sox scandal,  
7 I guess, Baseball -- scandal has always been  
8 something that Baseball is focused on,  
9 preventing another scandal, and we're always  
10 worried about the integrity of our game as it  
11 relates to the dangers of gambling. So within  
12 our department we monitor gambling trends, we  
13 monitor blogs, we monitor Twitter, we have a  
14 hotline for tips, and we try to monitor what's  
15 going on with gambling in sports.

16 Q Now, you just mentioned you  
17 monitor gambling trends.

18 How does the Department of  
19 Investigations monitor gambling trends?

20 A Well, I have several analysts.  
21 One of my analysts puts out a monthly report  
22 on -- an internal gambling newsletter to talk  
23 about prosecutions, about arrests around the  
24 country.

25 For example, there was an arrest

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2 wouldn't be susceptible to the pressures of  
3 labor and security and could be more focused.

4 Q Is it fair to say that the  
5 Department of Investigations was created  
6 primarily in response to the steroids  
7 performance enhancing drug scandals in Major  
8 League Baseball?

9 MS. LENT: Object to the form of  
10 the question.

11 You can answer.

12 A I would say that's not the sole  
13 reason, but the primary reason, yes.

14 Q And you said you've been at Major  
15 League Baseball for nine years. Prior to  
16 becoming the head of the Department of  
17 Investigations, what other roles did you play at  
18 Major League Baseball?

19 A Well, I was the senior director  
20 for security, so I was the number two person in  
21 the security department.

22 Q And was that -- you held that  
23 position for approximately five years?

24 A Correct.

25 Q Now, you mentioned one of your job

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2 in New York, a large-scale gambling ring was --  
3 a big indictment, so that would be something we  
4 would analyze in that report.

5 Q So it sounds like you monitor  
6 gambling trends, you're monitoring various  
7 sources of media for any news relating to sports  
8 wagering; is that fair?

9 A Partially, yes, that is fair,  
10 yeah.

11 Q And other than monitoring media  
12 reports, what other sources do you look at in  
13 terms of monitoring gambling trends?

14 A Well, we stay in close contact  
15 with law enforcement, both city, state and  
16 federal law enforcement.

17 Q As part of the monitoring of  
18 gambling trends, does the Department of  
19 Investigations talk to sports books in Las  
20 Vegas?

21 A Not directly. We do annual  
22 seminars with the other professional leagues,  
23 the NCAA, and we do have speakers come to our  
24 seminars from sports books to speak about sports  
25 betting in Vegas.

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 2 Q Other than those seminars, any  
 3 other contact with Las Vegas sports books?  
 4 A No.  
 5 Q Now, you also mentioned that the  
 6 Department of Investigations has a hotline for  
 7 tips. When was that set up?  
 8 A About six months after the  
 9 formation of the department.  
 10 Q And I'm not sure you can give me a  
 11 precise number, but do you have any estimate of  
 12 how many tips you've received via that hotline?  
 13 MS. LENT: Object to the form,  
 14 vague.  
 15 You can answer.  
 16 A I guess 20 or so.  
 17 Q So approximately 20 tips in the  
 18 last, oh, three and a half to four years; is  
 19 that accurate?  
 20 A Yes.  
 21 Q Of those 20 tips, how many of  
 22 those has the Department of Investigations  
 23 actually investigated?  
 24 A We investigate all of them.  
 25 Q And for any of those tips you

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 2 sort of research into gambling trends?  
 3 A Other than our analysts doing  
 4 their research, no.  
 5 Q And the analysts who do the  
 6 research -- I know you mentioned media, and I  
 7 assume that those analysts also talk to law  
 8 enforcement officials; is that correct?  
 9 A They do, and that's been the best  
 10 source of information. We've had two fairly  
 11 large-scale gambling investigations that we've  
 12 done in the last several years, and both of  
 13 those came out of law enforcement contacts.  
 14 Q I want to talk a little bit about  
 15 the two large-scale investigations you just  
 16 referred to.  
 17 What were those large-scale  
 18 investigations?  
 19 MS. LENT: I'm just going to  
 20 caution the witness that -- certainly be  
 21 responsive, but if we need to designate  
 22 this as highly confidential, let me  
 23 know.  
 24 Matt, you also just be cautious  
 25 about confidentiality concerns. If you

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 2 received, did any of them involve alleged game  
 3 fixing?  
 4 A No.  
 5 Q Can you generally describe what  
 6 the -- what the tips involved if they didn't  
 7 involve game fixing?  
 8 A General categories would be --  
 9 probably the most common one is performance  
 10 enhancing drugs, and then after that I would say  
 11 improper player assignments, assigning players as  
 12 a competitive business, and we get tips on a  
 13 club that may have acted improperly in  
 14 recruiting or signing a player.  
 15 Q Did any of the approximately 20  
 16 tips you referred to involve gambling?  
 17 A No. That really hasn't been the  
 18 focus of that hotline. We have cards and  
 19 posters, and to this point the hotline has  
 20 really been focused more on performance  
 21 enhancing drugs than anything else.  
 22 Q Now, aside from monitoring  
 23 gambling trends through the media and through  
 24 your law enforcement contacts, does the  
 25 Department of Investigations conduct any other

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 2 can ask more general questions, that  
 3 would be better.  
 4 MR. HOFFMAN: Sure.  
 5 Let's start on the general level,  
 6 and then depending on what the answer is  
 7 we can figure out whether or not we need  
 8 to designate anything as highly  
 9 confidential.  
 10 MS. LENT: Great.  
 11 THE WITNESS: Okay.  
 12 A The first one I'll talk about came  
 13 from a law enforcement tip that was an organized  
 14 crime investigation in New York that was focused  
 15 on a large-scale organized crime back bookmaking  
 16 operation, and they were focusing on one figure  
 17 in particular, and his phones were being  
 18 wiretapped, and seven of our Major League scouts  
 19 were picked up gambling on a wiretap.  
 20 Q So this first large-scale  
 21 investigation involved illegal gambling with  
 22 organized crime in New York?  
 23 A Yes -- not in New York, no, in  
 24 different states on the east coast. It was a  
 25 New York-based investigation, but it involved

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2 scouts in a number of different cities up and  
3 down the east coast, and it was all sports  
4 wagering.

5 Q And as part of that investigation  
6 were any of these scouts wagering on Major  
7 League Baseball games?

8 A Not that we found, no.

9 Q You mentioned a second large-scale  
10 investigation. Tell me a little bit more about  
11 that.

12 THE WITNESS: This would be more  
13 highly confidential.

14 MS. LENT: Okay.

15 A This would be more of the highly  
16 confidential nature.

17 A club -- a team club house  
18 manager -- actually, a club house manager,  
19 traveling secretary, a lot of responsibility, we  
20 found from a law enforcement source that he was  
21 betting up to \$30,000 a week -- a lot of  
22 money -- and so we focused our resources on him.  
23 His salary wouldn't support that kind of weekly  
24 betting amount, and we found that he was  
25 involved in wide-scale fraud. He was stealing

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2 Department of Investigations, did those  
3 investigations turn up any evidence of game  
4 fixing?

5 A No.

6 Q Other than the two large-scale  
7 investigations we've just been talking about,  
8 have there been any other investigations into  
9 gambling by the Department of Investigations  
10 during your time there?

11 A Yes.

12 Q Approximately how many?

13 A Four.

14 Q Did any of those investigations  
15 involve allegations of game fixing?

16 A No.

17 Q Now, real briefly, I don't want to  
18 belabor this, can you briefly tell me your  
19 background prior to -- your work background  
20 prior to joining Major League Baseball?

21 A I spent 23 years with the NYPD, I  
22 retired as a deputy chief, executive officer of  
23 the Bronx. During my career I spent three years  
24 as the head investigator -- the head of the  
25 detective squad for the Manhattan district

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2 and selling memorabilia, he was skimming, he was  
3 ticket scalping, and we found as part of that  
4 investigation that he was involved with some  
5 very prominent organized crime figures.

6 Q Did his gambling involve sports  
7 gambling or some other type of gambling?

8 A Mostly sports gambling, yes.

9 Q And --

10 A But he also -- also horse racing,  
11 pretty much, but predominantly sports wagering.

12 Q So this team club house  
13 manager/traveling secretary, did you uncover any  
14 evidence that this person gambled on Major  
15 League Baseball games?

16 A Yes, we had an admission from him  
17 that he did.

18 Q Is this a he or a she?

19 A A he.

20 Q Did he gamble on games involving  
21 the Major League Baseball team which he was  
22 employed by?

23 A No. Not that we found.

24 Q So in the two large-scale  
25 investigations we've just been discussing by the

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2 attorney's office for three years. I was the  
3 number two person in narcotics for three years.  
4 I worked in the police legal bureau for three  
5 years as an attorney, uniform patrol. I would  
6 say the largest portion of my career was  
7 investigations. So Manhattan DA and narcotics  
8 and detective work.

9 Q During your time with the New York  
10 City Police Department did you have any -- were  
11 you involved in any investigations into  
12 gambling?

13 A Yes.

14 Q Approximately how many?

15 A A dozen.

16 Q Did any of those investigations  
17 involve sports gambling?

18 A Yes.

19 Q Approximately how many?

20 A Probably ten of the twelve; the  
21 majority of them.

22 Q Did any of those investigations  
23 involve sports gambling on Major League Baseball  
24 games?

25 A Yes.

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2 Q Again, approximately how many of  
3 those investigations involved gambling on Major  
4 League baseball games?

5 A I would say all of the large-scale  
6 gambling investigations I did with the NYPD all  
7 involved some aspect of gambling on baseball.

8 Q In any of those investigations  
9 were there any allegations or evidence of game  
10 fixing?

11 A No, there were not, but there were  
12 discussions of trying to manipulate results and  
13 get inside information, you know.

14 I think when you deal with  
15 professional gamblers on a large scale, it's not  
16 just a bright line between game fixing and not  
17 game fixing; they also -- they look for an  
18 inside edge, they look for inside information,  
19 and -- any information that will make it a  
20 better bet, to hedge their bet. So in all of  
21 those investigations there was a lot of  
22 discussion about that, how you get the inside  
23 track, how you get inside information.

24 Q And real briefly, could you tell  
25 me your educational background?

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2 Q Did any of those depositions  
3 involve sports gambling?

4 A No.

5 Q Have you testified in court?

6 A Yes.

7 Q Approximately how many times?

8 A Twenty-five, 30, maybe more.

9 Q Not surprising given your long  
10 career with the New York City Police  
11 Department --

12 A Yes.

13 Q -- but did any of those court  
14 appearances -- were any of those court  
15 appearances as a representative of Major League  
16 Baseball?

17 A I think I made one appearance --  
18 one appearance for Major League Baseball, yes.

19 Q And did that appearance involve  
20 sports gambling?

21 A No.

22 Q Now, I think there should be  
23 somewhere on the table in there a copy of what's  
24 been previously marked as Major League Baseball  
25 Exhibit 1.

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2 A Yeah, I have a BS from St. John's  
3 and a JD from New York Law School.

4 Q Have you received any special  
5 training on gambling investigations or  
6 enforcement?

7 A In the Police Department I did,  
8 yeah. In the Police Department there's a lot of  
9 in-service training in every kind of specialized  
10 investigation, so, yeah, I got some in the  
11 Police Department.

12 Q And have you personally conducted  
13 any research on sports gambling?

14 A No.

15 Q Have you published any papers on  
16 sports gambling?

17 A No.

18 Q Mr. Mullin, have you been deposed  
19 before?

20 A Yes.

21 Q Approximately how many times?

22 A I guess three or four.

23 Q Were any of those depositions as a  
24 representative of Major League Baseball?

25 A No.

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2 Mr. Mullin, this is the 30(b)(6)  
3 notice to Major League Baseball.

4 Have you seen this document before  
5 today?

6 A Yes.

7 Q Did you review that document in  
8 preparation for your deposition today?

9 A Yes.

10 Q Now, I want to direct your  
11 attention to -- there is a list of topics, I  
12 think there's a list of five topics upon which  
13 the 30(b)(6) designees are to testify, and I  
14 just want to direct your attention to the first  
15 two.

16 A Okay.

17 Q Now, are you prepared today to  
18 testify as one of Major League Baseball's  
19 designees on the first topic, which is Major  
20 League Baseball's alleged standing to seek  
21 relief in this action?

22 A Yes.

23 Q And do you understand what the  
24 term "standing" means?

25 A I do.

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2 Q What does that term mean to you?

3 A We have to be impacted in some  
4 way. We have to be impacted in some way by the  
5 possible passage of the law.

6 Q Are you also prepared today to  
7 testify as one of Major League Baseball's  
8 designees on the second topic, which is Major  
9 League Baseball's allegation that Major League  
10 Baseball and/or one of Major League Baseball's  
11 member teams will be irreparably harmed by the  
12 New Jersey gambling law?

13 A Yes.

14 MS. LENT: I'm going to object to  
15 the form. You could read the topic, but  
16 you inserted a lot of new words into  
17 that topic.

18 MR. HOFFMAN: Sure, let me  
19 rephrase.

20 Q Are you prepared to testify as  
21 Major League Baseball's designee on the second  
22 topic, which is the allegation that you, meaning  
23 Major League Baseball, and/or your, Major League  
24 Baseball's member teams, will be irreparably  
25 harmed by the New Jersey gambling law?

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2 MR. HOFFMAN: Okay. I thought  
3 that was deposition topic number three,  
4 but -- do I have an old version of this?

5 MS. LENT: You must. You must.  
6 What we're looking at --

7 MR. HOFFMAN: My apologies.

8 MS. LENT: -- is different.

9 Q Mr. Mullin, are you prepared to  
10 testify as Major League Baseball's designee on  
11 Major League Baseball's -- the impact or  
12 potential impact of sports gambling on Major  
13 League Baseball?

14 A Yes.

15 Q Now, you understand this means  
16 that you must testify about information known or  
17 reasonably available to Major League Baseball on  
18 these topics; correct?

19 A Yes.

20 Q Other than conversations with  
21 counsel, what did you do today to prepare for  
22 your deposition?

23 A Just reviewed some notes.

24 Q And what notes were those?

25 A I looked at the notes from our

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2 MS. LENT: I have the same  
3 objection. That's not what number two  
4 says. And in fact, I think the court --

5 MR. HOFFMAN: You can answer.

6 MS. LENT: I'm sorry.

7 In fact, I think the court  
8 specifically stated that the 30(b)(6)  
9 deponents would not be testifying about  
10 irreparable harm.

11 MR. HOFFMAN: Okay. Well, let's  
12 do it this way.

13 Q Are you prepared today,  
14 Mr. Mullin, to testify about Major League  
15 Baseball's alleged harm by the New Jersey  
16 gambling law?

17 MS. LENT: I'm going to object  
18 again.

19 I mean, number two says "the  
20 impact or potential impact of sports  
21 gambling," and it goes on. It's a  
22 specific -- there is specific language  
23 right here in front of us, so I don't  
24 know why you're trying to paraphrase it.  
25 You could just read it.

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2 recent gambling seminar.

3 Q Do you know if those notes were  
4 produced in this litigation?

5 A I believe they were.

6 Q Did you review any other  
7 documents, other than the notes you just  
8 referred to, in preparation for today's  
9 deposition?

10 A No.

11 Q Did you speak to anyone other than  
12 counsel?

13 A Well, both counsel -- I spoke to  
14 in-house counsel also, Tom Ostertag, and Chris  
15 Brumm.

16 Q Other than your outside counsel  
17 and your in-house counsel, did you speak to  
18 anyone else about today's deposition?

19 A No.

20 Q Now, in terms of preparation for  
21 today's deposition, did you find any studies by  
22 Major League Baseball regarding the impact of  
23 sports gambling on Major League Baseball?

24 A No.

25 Q Do you know if Major League

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2 Baseball or the Department of Investigations has

3 conducted any studies regarding the impact of

4 sports gambling on Major League Baseball?

5 A No.

6 Q Has Major League Baseball or the

7 Department of Investigations conducted any

8 studies regarding the impact or potential impact

9 of New Jersey's sports wagering law on Major

10 League Baseball?

11 A No.

12 Q Mr. Mullin, how would you define

13 sports gambling?

14 A On a wide definition, it's betting

15 on any sporting event; baseball, football,

16 hockey, college -- college athletics, horse

17 racing, rugby, soccer. Broad definition, any

18 sporting event at all.

19 Q Is part of your definition, I

20 assume, then, a wager on an outcome of a game

21 would be considered sports gambling?

22 A Yes.

23 Q What about a wager on something

24 other than the outcome of the game? For

25 example, a wager about whether a particular

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2 representative from MGM Sports Book, so that's a

3 number that they used and agreed upon. It's an

4 approximation, but that seems to be a number

5 that the industry agrees on.

6 Q And does Major League Baseball or

7 the Department of Investigations have any of

8 their own studies regarding how much sports

9 gambling on Major League Baseball games occurs

10 in Las Vegas?

11 A No.

12 Q Now, have these Las Vegas industry

13 groups ever assisted Major League Baseball in

14 identifying gambling incidents?

15 A No.

16 Q Does Major League Baseball's

17 Department of Investigations have any contacts

18 in Las Vegas for that purpose?

19 A No.

20 Q Now, I'm paraphrasing, but I

21 believe Mr. Ostertag testified in his deposition

22 that the Department of Investigations will

23 sometimes get a call or a tip from a legal

24 sports book in Nevada, but there's no formal

25 arrangement.

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2 player has more hits in a game than a player on

3 the opposing team? If one were to make that

4 sort of wager, which isn't directly on the

5 outcome of the game, would you consider that to

6 be part of the definition of sports gambling?

7 A I would.

8 Q Now, Mr. Mullin, I'll represent to

9 you that during his deposition Mr. Ostertag

10 stated that you, as the head of the Department

11 of Investigations, may have a good idea of how

12 much legal sports gambling occurs in Las Vegas.

13 Do you know how much legal sports

14 gambling occurs in Las Vegas?

15 A Approximate amounts. I think on

16 baseball it's somewhere between 300 and

17 \$400 million.

18 Q And where do those figures come

19 from?

20 A From Las Vegas industry groups.

21 Q When you say "Las Vegas industry

22 groups," what do you mean?

23 A Well, it comes from a combination.

24 At the recent seminar, we had the FBI there, we

25 had the Las Vegas Gaming Board, we had a

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1 D. MULLIN

2 Would that be accurate?

3 MS. LENT: Object to the form. I

4 don't think the witness has seen his

5 testimony.

6 MR. HOFFMAN: Okay.

7 MS. LENT: You can answer if you

8 understand.

9 MR. HOFFMAN: You can answer.

10 A Could you ask again?

11 Q Sure. Let me ask it this way.

12 My understanding is that the

13 Department of Investigation does not have a

14 formal arrangement with legal sports books in

15 Nevada regarding tips. Is that fair?

16 A That's fair, yes.

17 Q Does the Department of

18 Investigations ever get a call or a tip from a

19 legal sports book in Nevada?

20 A We have not.

21 Q Mr. Mullin, do you know how much

22 legal sports gambling on Major League Baseball

23 games occurs in the United States?

24 A Legal?

25 Q Legal. Yes, legal.

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1 D. MULLIN

2 A I imagine it's very close to the  
3 number I cited before, because Vegas is the only  
4 state where that -- sports gambling is legal.

5 Q Now I'm going to switch gears a  
6 little bit, I'm going to talk about illegal  
7 sports gambling. Okay?

8 A Yes.

9 Q Do you, Mr. Mullin, as the head of  
10 the Department of Investigations, know how much  
11 illegal sports gambling occurs in New Jersey?

12 A I don't.

13 Q Does the Department of  
14 Investigations have any studies or surveys  
15 regarding how much illegal sports gambling  
16 occurs in New Jersey?

17 A Studies, no, I do not.

18 Q Does the Department of  
19 Investigations have any estimate regarding how  
20 much illegal sports gambling occurs in New  
21 Jersey?

22 A Based on anecdotal knowledge or on  
23 a study -- I don't have anything based on a  
24 study. But based upon prosecutions and  
25 indictments like the one that occurred last

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1 D. MULLIN

2 Q I'm asking you to compare -- if  
3 you have any estimate or any basis for any  
4 estimate comparing the amount of illegal sports  
5 gambling that currently is going on in New  
6 Jersey as compared to the amount of legal sports  
7 gambling going on in Nevada.

8 A I couldn't quantify it other than  
9 to say that, again, any study would indicate  
10 that the percentage of illegal gambling is  
11 higher than the percentage of legal gambling.  
12 So taking into consideration per capita and the  
13 size of the state, I could say generally that  
14 there is more illegal gambling -- higher amount  
15 of illegal gambling than there is --

16 number-wise -- than there is legal in Las Vegas.  
17 Q Now, you mentioned that your  
18 estimates of illegal sports gambling in New  
19 Jersey are based on anecdotal evidence,  
20 including some of the criminal investigations  
21 that you referred to.

22 Is that estimate based on anything  
23 else?

24 A Such --

25 MS. LENT: I'm going to object to

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1 D. MULLIN

2 month, I would say hundreds of millions of  
3 dollars.

4 Q In terms of illegal sports  
5 gambling in New Jersey, which you just referred  
6 to as being in the hundreds of millions of  
7 dollars, does the Department of Investigations  
8 have any sense of whether illegal sports  
9 gambling in New Jersey is larger than legal  
10 sports wagering in Nevada?

11 MS. LENT: Object to the form.

12 You can answer.

13 A Well, I think -- I think any study  
14 you read, any expert would tell you that the  
15 percentage of illegal gambling is greater than  
16 the percentage of legal gambling.

17 Q And is that true for -- I'm  
18 focusing here just on New Jersey. Would that be  
19 true for the State of New Jersey as compared to  
20 the State of Nevada? And what I mean by that is  
21 the amount of illegal sports gambling in New  
22 Jersey that currently goes on as compared to the  
23 amount of legal sports gambling in Nevada.

24 A You're asking me to compare Nevada  
25 to New Jersey?

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1 D. MULLIN

2 the form. I think it misstates his  
3 testimony a little bit.

4 Go ahead.

5 A Such as? Could you repeat it?

6 Q Sure. I'm just looking for -- I  
7 know you referred to your estimate of illegal  
8 sports gambling in New Jersey as being in the  
9 hundreds of millions of dollars, and I believe  
10 you testified that that was based on anecdotal  
11 evidence regarding a number of criminal  
12 investigations in New Jersey.

13 Is that fair?

14 A Yes.

15 Q My question is, aside from that  
16 anecdotal evidence, any other basis for the  
17 estimate of hundreds of millions of dollars of  
18 illegal sports gambling in New Jersey?

19 A No.

20 Q Now, I'm going to focus beyond New  
21 Jersey and focus now on illegal sports gambling  
22 in the United States as a whole.

23 Okay?

24 A Yes.

25 Q Does the Department of

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1 D. MULLIN

2 Investigations have any studies or surveys  
3 regarding how much illegal sports gambling  
4 occurs in the United States as a whole?

5 A No.

6 Q Does the Department of  
7 Investigations have any estimate of how much  
8 illegal sports gambling occurs in the United  
9 States as a whole?

10 A It's -- there is no exact number  
11 on that. I mean, I think people cite, you know,  
12 anywhere from ten to 50 times the legal volume,  
13 but, no, I don't have any information based on a  
14 study.

15 Q The numbers that the -- the size  
16 of the illegal sports gambling market in the  
17 United States is ten to 50 times higher than the  
18 legal sports gambling market in the United  
19 States, where did you derive those numbers?

20 A Well, there are multiple sources.  
21 It's not an exact science, no one knows for sure  
22 what the volume of illegal sports gambling is,  
23 but experts have estimated that illegal gambling  
24 is significantly higher than legal gambling, and  
25 that's some of the numbers that are cited from

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1 D. MULLIN

2 what percentage, I couldn't say.

3 Q And what do you base your  
4 statement that the amount of legal sports  
5 gambling would increase on?

6 A Could you repeat the -- the amount  
7 of legal sports gambling?

8 Q Sure. That was a poor question.

9 Your testimony was that you  
10 thought that legal sports gambling on Major  
11 League Baseball games would increase in the  
12 United States if New Jersey implements its  
13 sports wagering law; correct?

14 A Yes.

15 Q And my question is, what is the  
16 basis for that belief?

17 A Well, if you look at the universe  
18 of people that legally bet on baseball, that  
19 occurs now only in Las Vegas, and if you add a  
20 second state, New Jersey, where you could now  
21 bet legally on baseball, I think it's a valid  
22 assumption that the numbers of legal baseball  
23 gamblers would increase.

24 Q Other than your assumption,  
25 anything else you're basing that on?

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1 D. MULLIN

2 law enforcement sources.

3 Q So when you referred to the  
4 experts estimated the size of the illegal sports  
5 gambling market, what are you referring to?

6 A Well, the FBI, other law  
7 enforcement sources. Again, it's an estimate  
8 because no one knows for sure.

9 Q And do you have any reason to  
10 disagree with those estimates?

11 A I can't say with certainty that  
12 they're accurate or not. I have no information  
13 to disagree with it, no. But I also have no  
14 information to say that they're accurate. I  
15 just don't know.

16 Q Now, Mr. Mullin, do you know how  
17 much legal sports gambling on Major League  
18 Baseball games --

19 MR. HOFFMAN: Let me withdraw the  
20 question, let me restate.

21 Q Do you know how much legal sports  
22 gambling on Major League Baseball games would  
23 increase in the United States if New Jersey  
24 implements its sports wagering law?

25 A I think it would increase. By

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1 D. MULLIN

2 A No.

3 Q Slightly different question. Does  
4 the Department of Investigations know how much  
5 total sports gambling -- and when I say "total  
6 sports gambling" I mean legal and illegal sports  
7 gambling combined -- would increase in the  
8 United States following the implementation of  
9 New Jersey's sports gambling law?

10 MS. LENT: Objection,  
11 hypothetical.

12 Go ahead.

13 A I could say it would absolutely  
14 increase. I can't give you a percentage.

15 Q And again, what is the basis for  
16 that belief?

17 A Well, my experience with gamblers  
18 is there are some subsector gamblers that  
19 exclusively gamble legally, and I think you'd  
20 recruit new gamblers who would have the  
21 opportunity to gamble legally on sports. But I  
22 think it's also far more common that the lines  
23 are blurred, that you have people that bet  
24 legally and illegally.

25 For example, I mentioned the club

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1 D. MULLIN  
2 employee. He bet substantial amounts of money  
3 legally at race tracks, for example, but then he  
4 also bet substantial amounts of money illegally.  
5 I think there comes a point, when people gamble  
6 a lot, that they do both. So I think that  
7 someone that would start with strictly legal  
8 gambling, I think a percentage of those would  
9 then also become illegal gamblers.

10 Q Anything else upon which you base  
11 that assertion other than your experience?

12 A No. Other than, I mean, I have  
13 read studies that say sports gambling is a  
14 gateway to other types of gambling.

15 Q As you sit here today, do you know  
16 the titles of any of those studies?

17 A There was a government study, it  
18 might have been the National Commission on the  
19 Impact of Compulsive Gambling, I don't remember  
20 the exact title. That's one of them. But  
21 there's certainly more than one that have found  
22 that sports gambling is a gateway to other kinds  
23 of gambling.

24 Q Does the Department of  
25 Investigations have any studies of how much

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1 D. MULLIN  
2 about game fixing and, you know, outcome of the  
3 game, but I'm also very concerned in my capacity  
4 about lesser things that might impact the  
5 integrity of a game.

6 For example, with baseball  
7 wagering, a lot of baseball wagering, the  
8 pitcher, for example -- who the starting pitcher  
9 is is very important to how people wager in a  
10 baseball game, so information about that pitcher  
11 is valuable. A person like a clubhouse manager  
12 who has a gambling addiction, him supplying  
13 information to gamblers about whether a  
14 pitcher's arm is hurt so he's not feeling his  
15 best, or he was out late night the before,  
16 that's information that's extremely valuable to  
17 gamblers. That might not be game fixing per se,  
18 but it's involvement in illegal gambling that  
19 affects the integrity of the game, and that's  
20 certainly what I'm concerned about.

21 Q Other than the danger of game  
22 fixing increasing and an increase in providing  
23 what I'll call inside information, any other  
24 harms?

25 A Yeah, I think baseball more so

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1 D. MULLIN  
2 total sports gambling, both legal and illegal,  
3 on Major League Baseball games would occur in  
4 the United States if New Jersey's sports  
5 gambling law is implemented?

6 A No.

7 Q Now, the same question, but --  
8 MR. HOFFMAN: Let me withdraw.

9 Q Does the Department of  
10 Investigations have any studies of how much  
11 total sports gambling on Major League Baseball  
12 games would occur in the United States if all  
13 states were to legalize sports gambling?

14 A No.

15 Q Mr. Mullin, if New Jersey  
16 implements its sports gambling law, what harm  
17 are you alleging will occur to Major League  
18 Baseball?

19 A Well, certainly for one, the  
20 danger of compromised outcomes of game fixing,  
21 of unethical behavior, would increase.

22 Q And any other harms?

23 A And let me just -- maybe I could  
24 explain that more completely.

25 You've asked a lot of questions

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1 D. MULLIN  
2 than any other sport is tradition and devotion  
3 to teams. If you go to certain cities -- if you  
4 go to St. Louis on opening day and see 50,000  
5 people dressed in red, third or fourth  
6 generation Cardinals fans, it's all about the  
7 Cardinals. When people become heavily involved  
8 in sports gambling, their loyalty to their team  
9 fades and they're more interested in winning  
10 their bet than having their team win. So I  
11 think there's a danger that the tradition of  
12 baseball could be adversely affected.

13 Q So you've mentioned the risk of  
14 game fixing, inside information and what I'll  
15 call the potential diminishment of fan loyalty.

16 Any other harms?

17 A Well, I think -- and I think fan  
18 loyalty could translate into lower ticket sales,  
19 fewer games being watched, so lower broadcast  
20 numbers. The more you diminish that passionate  
21 fan loyalty, I think it has an effect on ticket  
22 sales, broadcast viewership, team gear, wearing  
23 hats and shirts; I think it impacts all those  
24 things.

25 Q So in terms of a potential

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1 D. MULLIN  
2 diminishment of fan loyalty, what I hear you're  
3 saying is that could have a financial impact on  
4 Major League Baseball; correct?

5 A Correct.

6 Q So aside from the harms you've  
7 just testified to, any other harms?

8 A Well, just to expand on the first  
9 point, I think when gamblers become involved in  
10 sports -- organized crime is extensively  
11 involved in gambling, and people in organized  
12 crime, in my experience, don't limit themselves  
13 to one kind of crime. Organized criminals are  
14 involved in gambling and prostitution and any  
15 kind of corrupt behavior you can think of. So  
16 whenever you increase the risk that -- when you  
17 increase the risk of more gambling, you  
18 encourage organized crime behavior, and  
19 organized criminals bring with them all that  
20 other bad behavior.

21 Q Any other harms that you haven't  
22 already mentioned?

23 MS. LENT: I'm going to object,  
24 that's a little vague.

25 Could you just be more specific in

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1 D. MULLIN  
2 such faith in the legitimacy in the outcome of  
3 games, I think the more gambling there is, the  
4 more fans would call into question umpires'  
5 calls and errors and strike-outs, thinking that  
6 there was some nefarious reason why things  
7 happened the way they did.

8 Q Any other impact that you haven't  
9 already testified about?

10 A No.

11 Q I'm going to try to break that  
12 apart and let's talk about those.

13 I think the first one you talked  
14 about, the danger of an increase of game fixing,  
15 does the Department of Investigations know how  
16 much game fixing on Major League Baseball occurs  
17 in the United States?

18 A In Major League Baseball? Game  
19 fixing on Major League Baseball?

20 Q Correct.

21 A None.

22 Q Have there been any incidents of  
23 game fixing in Major League Baseball since the  
24 1919 Black Sox incident?

25 A Not that I'm aware of.

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1 D. MULLIN  
2 the question you're asking him?

3 MR. HOFFMAN: Sure.

4 Q Other than the harms that you've  
5 already testified to, is Major League Baseball  
6 alleging any other harm as the result of New  
7 Jersey implementing its sports gambling law?

8 MS. LENT: Object, that calls for  
9 a legal conclusion to the extent you're  
10 asking him what we're alleging.

11 I think you can talk about how it  
12 might impact Major League Baseball, but  
13 he doesn't necessarily need to be  
14 talking about our allegations.

15 MR. HOFFMAN: Sure. I can  
16 restate.

17 MS. LENT: Okay.

18 Q Other than the impacts on Major  
19 League Baseball that you've already testified  
20 to, Mr. Mullin, any other impact to Major League  
21 Baseball as a result of the implementation of  
22 New Jersey's sports gambling law?

23 A I think some -- it would invite  
24 some skepticism about the results. I think,  
25 going back to baseball's tradition, people have

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1 D. MULLIN  
2 Q Does the Department of  
3 Investigations have any studies or surveys of  
4 how much game fixing on Major League Baseball  
5 games would occur in the United States if New  
6 Jersey implemented its sports wagering law?

7 A No.

8 Q Does the Department of  
9 Investigations have any estimate of how much  
10 game fixing on Major League Baseball games would  
11 occur in the United States if New Jersey  
12 implemented its sports wagering law?

13 A No.

14 Q I'm going to talk a little bit  
15 about the last impact you talked about in your  
16 list, which was, I think, skepticism -- public  
17 skepticism about the results of Major League  
18 Baseball games, or another way to put that would  
19 be an increased public perception that game  
20 fixing is going on; is that fair?

21 MS. LENT: Object to the form.  
22 Go ahead.

23 A If I could, you keep on talking  
24 narrowly about game fixing, but I would say for  
25 us there are other issues. You mentioned

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1 D. MULLIN  
 2 yourself before that there are different kinds  
 3 of sports wagering, for example, betting on the  
 4 number of hits a batter gets in a game, the  
 5 number of hits a pitcher gives up in a game.  
 6 There are all kinds of creative ways to gamble,  
 7 and you can affect what happens in the game  
 8 without necessarily affecting the outcome of the  
 9 game. So we're also concerned about that. So  
 10 it's not just narrowly the game being fixed so  
 11 the outcome is different, there are things that  
 12 can happen within the game that affects a better  
 13 outcome that aren't necessarily a fix.  
 14 Q Okay.  
 15 A So my interest is a little bit  
 16 more broad.  
 17 Q Understood.  
 18 Does the Department of  
 19 Investigations believe that New Jersey's sports  
 20 gambling law will lead to an increased public  
 21 perception that game fixing and other gambling  
 22 activities are occurring in Major League  
 23 Baseball?  
 24 MS. LENT: Objection, vague.  
 25 Go ahead.

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1 D. MULLIN  
 2 of the public?  
 3 A Not that I'm aware of.  
 4 Q Does the Department of  
 5 Investigations have any estimate of what portion  
 6 of the public would have a perception that Major  
 7 League Baseball games are being fixed if New  
 8 Jersey implements its sports gambling law?  
 9 MS. LENT: Objection. I think  
 10 that's been asked and answered.  
 11 But you could try.  
 12 A I don't.  
 13 Q I think you referred to fan  
 14 loyalty earlier, and that you believe that the  
 15 implementation of New Jersey's sports gambling  
 16 law will damage the bonds of loyalty between  
 17 fans and teams.  
 18 Is that correct?  
 19 A Yes.  
 20 Q What is the basis for that belief?  
 21 A Well, I think if you look at our  
 22 fans -- again, I'll use the Cardinals as an  
 23 example, but there are other teams -- it's a  
 24 generational thing, it's something they're born  
 25 with and they're loyal to that team no matter

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1 D. MULLIN  
 2 A Could you repeat it? I'm sorry.  
 3 Q Sure.  
 4 MR. HOFFMAN: Actually, if the  
 5 court reporter could read the question  
 6 back.  
 7 (Record read)  
 8 A Yes, I do.  
 9 Q And what is the basis for that  
 10 belief?  
 11 A Well, with the widespread  
 12 knowledge that people are gambling on baseball,  
 13 I think necessarily people with that knowledge  
 14 would then call into question the results  
 15 because they know that people have a financial  
 16 stake in what's happening, a gambling stake in  
 17 what's happening.  
 18 Q Does the Department of  
 19 Investigations have any studies of the public  
 20 perception of Major League Baseball regarding  
 21 game fixing or other gambling activities?  
 22 A No.  
 23 Q Now, do you believe that a  
 24 perception that game fixing is going on in Major  
 25 League Baseball already exists for some portion

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1 D. MULLIN  
 2 what. The best fans are fans of their team even  
 3 when the team is terrible, but I think once  
 4 winning a wager becomes more important, rather  
 5 than being blindly loyal to your team, whether  
 6 they're good or bad, whether they win or lose,  
 7 winning a wager becomes more important. So if  
 8 betting against your team, even though they're  
 9 your team, is a better way to win, I think some  
 10 percentage of fans will do that.  
 11 Q Mr. Mullin, what evidence do you  
 12 have as the basis for that belief?  
 13 A Well, I know my interaction with  
 14 gamblers. Gamblers care about winning. If you  
 15 see gamblers that watch professional football,  
 16 their only interest in the outcome is whether  
 17 they win their bet or not.  
 18 Q Gamblers who only care about  
 19 winning a bet, would you consider them to be  
 20 fans?  
 21 A Would I consider them to be fans?  
 22 I guess if you enjoy watching the game, if  
 23 you're watching a game -- not my kind of fan,  
 24 but I guess they are a fan of some sort, yes.  
 25 My kind of fan is a 70-year-old lady who has

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1 D. MULLIN  
 2 been to her fiftieth Cardinals opening day;  
 3 that's my kind of fan.  
 4 Q Is it possible, Mr. Mullin, that a  
 5 fan could have both loyalty to his team and also  
 6 want to win a bet?  
 7 MS. LENT: Objection. Object to  
 8 the form.  
 9 A Is that possible? Yes.  
 10 Q Do you have any estimate of how  
 11 many people who gamble on Major League Baseball  
 12 are avid fans of Major League Baseball?  
 13 A I don't.  
 14 MS. LENT: Matt, can we take a  
 15 break?  
 16 MR. HOFFMAN: Sure.  
 17 (Recess taken)  
 18 BY MR. HOFFMAN:  
 19 Q Has Major League Baseball  
 20 conducted any research about why fans watch  
 21 Major League Baseball games?  
 22 A I can't -- not that I'm aware of.  
 23 MS. LENT: I'm going to object  
 24 that that's outside the scope of the  
 25 30(b)(6).

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1 D. MULLIN  
 2 A No.  
 3 Q Can you tell me generally what  
 4 those investigations were about?  
 5 A One involved a Major League player  
 6 who was in debt to an offshore online gambling  
 7 site for a substantial amount of money.  
 8 Q You mentioned six or seven  
 9 investigations. Can you tell me generally what  
 10 the other investigations were about?  
 11 A The other one involved -- the  
 12 other ones involved -- all involved Major League  
 13 players who had associations with gamblers who  
 14 had organized crime ties that we were concerned  
 15 about.  
 16 Q During your time at the Department  
 17 of Investigations have any of your  
 18 investigations involved legal gambling?  
 19 A Only to the extent it came up in  
 20 the context of a bigger investigation. For  
 21 example, with the clubhouse manager I mentioned,  
 22 he did some legal gambling, so his legal  
 23 gambling activities came up in the context of  
 24 the bigger investigation, but not an  
 25 investigation solely focused on legal gambling,

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1 D. MULLIN  
 2 Q Does Major League Baseball know  
 3 what percentage of its fans watch games because  
 4 they have a wager on a game?  
 5 A I don't.  
 6 Q Does Major League Baseball take  
 7 any steps to discourage its fans from watching  
 8 Major League Baseball games because of gambling  
 9 interests?  
 10 A No.  
 11 Q Now, earlier we talked about a  
 12 couple of investigations during your time as  
 13 head of the Department of Investigations.  
 14 Are there any other gambling  
 15 incidents that you've investigated during your  
 16 time at the Department of Investigations that we  
 17 have not already discussed today?  
 18 A Yes.  
 19 Q And how many additional  
 20 investigations involving gambling are there that  
 21 we have not discussed today?  
 22 A Six or seven.  
 23 Q Did any of those investigations  
 24 involve allegations of game fixing or the  
 25 provision of inside information?

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1 D. MULLIN  
 2 no.  
 3 We also have -- one I could --  
 4 I'll retract that. One I can think of, we did  
 5 investigate legal gambling, is we do background  
 6 checks on about 30 club employees per year for  
 7 people with significant positions, and as part  
 8 of that we do a financial background, and one of  
 9 the things we look for is anomalies where a  
 10 debt-to-credit ratio isn't supported by income.  
 11 So we identified, I guess, three employees that  
 12 had gambling problems based on the fact that  
 13 they -- again, their debt-to-income was a red  
 14 flag. And all three of those cases that come to  
 15 mind, they were involved with legal gambling,  
 16 just got over their heads.  
 17 Q Is Major League Baseball relying  
 18 on the specific investigations you've discussed  
 19 today during your time at the Department of  
 20 Investigations in support of its allegations  
 21 that Major League Baseball would be impacted by  
 22 New Jersey's sports gambling law?  
 23 MS. LENT: Objection. That calls  
 24 for a legal conclusion. The witness is  
 25 here to testify about facts, not the

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1 D. MULLIN  
2 positions that the lawyers are taking in  
3 the case.

4 Q Let me ask it this way,  
5 Mr. Mullin. In terms of the impact that you  
6 think the New Jersey sports gambling law will  
7 have on Major League Baseball, is your belief  
8 based upon the investigations you've conducted  
9 in your role as the head of the Department of  
10 Investigations?

11 A It's based on both. It's based  
12 upon my role as head of the Department of  
13 Investigations, but also my law enforcement  
14 career.

15 Q To your knowledge, Major League  
16 Baseball has not performed any studies regarding  
17 the impact or potential impact of legalized  
18 sports gambling in New Jersey on Major League  
19 Baseball; correct?

20 MS. LENT: Objection, asked and  
21 answered.

22 Go ahead.

23 A No.

24 Q And to your knowledge, Major  
25 League Baseball has not performed any studies

C E R T I F I C A T E

I, HELEN MITCHELL, a Shorthand  
Reporter and Notary Public, do hereby  
certify:

I reported the proceedings in the  
within-entitled matter, and that the  
within transcript is a true record of  
such proceedings.

I further certify that I am not  
related, by blood or marriage, to any of  
the parties in this matter and that I am  
in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 21st day  
of November, 2012.

HELEN MITCHELL

1 D. MULLIN  
2 regarding the impact or potential impact of  
3 legalized sports gambling in any state on Major  
4 League Baseball; correct?

5 A Correct.

6 MR. HOFFMAN: I have no further  
7 questions.

8 MS. LENT: I have no questions.  
9 Thanks.

10 THE WITNESS: Thanks.  
11 (Time noted: 2:35 p.m.)

DANIEL T. MULLIN

16 Signed and subscribed to before me  
17 this \_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public

1  
2 November 19, 2012

I N D E X

WITNESS	EXAMINATION BY	PAGE
DANIEL T. MULLIN	Mr. Hoffman	3

REFERENCE TO PREVIOUSLY MARKED EXHIBITS

EXHIBIT	PAGE	LINE
MLB Exhibit 1	19	22

1 ERRATA SHEET  
2 VERITEXT REPORTING COMPANY  
3 1250 BROADWAY  
4 NEW YORK, NEW YORK 10001  
5 800-362-2520

6 CASE: NCAA VS. CHRISTIE  
7 DEPOSITION DATE: NOVEMBER 19, 2012  
8 DEPONENT: DANIEL T. MULLIN

9 PAGE LINE(S) CHANGE REASON

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DANIEL T. MULLIN

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(NOTARY PUBLIC) MY COMMISSION EXPIRES: